

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:	Chapter 11
LTL MANAGEMENT LLC, ¹	Case No.: 23-12825 (MBK)
Debtor.	Judge: Michael B. Kaplan

**EVIDENTIARY STIPULATION FOR HEARING ON
THE MOTIONS TO DISMISS DEBTOR'S BANKRUPTCY CASE**

With respect to pending motions to dismiss the Chapter 11 Case and related joinders (collectively, the “Dismissal Motions”) filed by the following parties (collectively, the “Movants”): (a) the Official Committee of Talc Claimants (the “TCC”) [Dkt. 286] (the “TCC Motion”); (b) the Ad Hoc Group of Mesothelioma Claimants [Dkt. 335]; (c) Paul Crouch [Dkt. 346] (the “Crouch Motion”); (d) the Ad Hoc Committee of States Holding Consumer Protection Claims (the “Ad Hoc States”) [Dkt. 350] (the “States Motion”); (e) law firms on behalf of various mesothelioma claimants [Dkt. 352]; (f) Maune Raichle Hartley French & Mudd, LLC [Dkt. 358]; (g) the Office of the United States Trustee for the District of New Jersey (the “U.S. Trustee”) [Dkt. 379] (the “UST Motion”); (h) Arnold & Itkin LLP (“Arnold & Itkin”) [Dkt. 384] (the “A&I Motion”); (i) certain claimants represented by The Barnes Law Group [Dkt. 473]; and (j) the States of New Mexico and Mississippi [Dkt. 480] (the “NM/AZ Motion”), the above-captioned debtor (“LTL” or “Debtor”), Johnson & Johnson (“J&J”), the Ad Hoc Committee of Supporting Counsel (“Ad Hoc Counsel”) and the Movants (together with the Debtor, J&J, and the Ad Hoc Counsel, the “Parties”) submit this stipulation related to evidence to be presented at the hearing on the Dismissal Motions (the “Dismissal Motions Hearing”) currently scheduled for June 27-30, 2023.

¹ The last four digits of the Debtor’s taxpayer identification number are 6622. The Debtor’s address is 501 George Street, New Brunswick, New Jersey 08933.

1. The Parties will jointly move the Court to admit into evidence the exhibits that were admitted at the April 18, 2023 hearing on the *Debtor's Motion Seeking an Order (I) Declaring That the Automatic Stay Applies or Extends to Certain Actions Against Non-Debtors, (II) Preliminarily Enjoining Such Actions, and (III) Granting a Temporary Restraining Order Ex Parte Pending a Hearing on a Preliminary Injunction Filed by LTL Management LLC* (ECF No. 2 in Adv. Pro. No. 23-01092) (the “Preliminary Injunction Hearing”).

2. The Parties will jointly move the Court to admit into evidence the transcripts of witness testimony from the Preliminary Injunction Hearing. Any Party may use the other portions of the transcripts from the Preliminary Injunction Hearing in any manner consistent with the Federal Rules of Evidence.

3. The Parties will jointly move the Court to admit into evidence the exhibits that were admitted at the February 14-18, 2022 hearing on the motions to dismiss filed by the Official Committee of Talc Claimants (ECF No. 632) and the law firm of Arnold & Itkin, LLP, on behalf of certain talc personal injury claimants (ECF No. 766) and the related Preliminary Injunction Motion in the Adversary Proceeding (ECF No. 2 in Adv. Pro. No. 21-03032) in LTL’s prior bankruptcy proceedings (Case No. 21-30589 (MBK)) (the “Prior Motion to Dismiss and Preliminary Injunction Hearing”).

4. The Parties will jointly move the Court to admit into evidence the transcripts of witness testimony from the Prior Motion to Dismiss and Preliminary Injunction Hearing. Any Party may use the other portions of the transcripts from the Prior Motion to Dismiss and Preliminary Injunction Hearing in any manner consistent with the Federal Rules of Evidence.

5. Any Party may rely on the above-referenced exhibits or testimony for any purpose at the Dismissal Motions Hearing consistent with the Federal Rules of Evidence, regardless of who

proffered the exhibits or testimony.

6. Any Party may use the transcripts and briefing from the appeal regarding the Prior Motion to Dismiss and Preliminary Injunction Hearing (Case Nos. 22-2003 (L), 22-2004, 22-2005, 22-2006, 22-2007, 22-2008, 22-2009, 22-2010, 22-2011 (Consolidated)) in any manner consistent with the Federal Rules of Evidence.

7. Direct testimony of the following fact witnesses will be offered by the Debtor or the Ad Hoc Counsel through written declarations made pursuant to 28 U.S.C. 1746: Robert Wuesthoff, Richard Dickinson, John Kim, James Murdica, Adam Lisman, Mikal Watts, and James Onder. Direct testimony of the following expert witnesses will be offered through written reports: Saul Burian, Theodore Rave, Royal Furgeson, Sheila Birnbaum, Greg Bell, Charles Mullin. All of the aforementioned witnesses will be available for live cross examination and redirect examination during the Dismissal Motions Hearing. This agreement does not limit the rights of any party to raise evidentiary objections to any declarations or expert reports (or any portions thereof). The parties agree that they shall have the opportunity to raise any such objections with the Court prior to declarations or expert reports (or any portions thereof) being received into evidence.

8. The Parties may submit testimony through deposition designations for the following fact witnesses: Majed Nachawati, Adam Pulaski, Erik Haas, Andy Birchfield, and Arthur Wong. Some or all deposition designations may be introduced through video recordings played at the Dismissal Motions Hearing. The Parties shall disclose to the other Parties which portions of the designations they are seeking to introduce through video by June 24. To the extent that any deposition designations are introduced through video recordings, both the affirmative and counter-designations shall be introduced together. Subject to the foregoing, live fact witnesses

shall be presented in the following order: Wuesthoff, Dickinson, Kim, Murdica, Watts, Onder and Lisman. Expert witnesses shall be presented in an order to be determined by the Party introducing the expert testimony after the conclusion of fact witness testimony. The Parties shall identify the order in which their experts testify by June 27. Witnesses may not be recalled.

9. The Parties agree to the following pre- and post-trial deadlines for the Dismissal Motions Hearing:

Wednesday, June 21 (5 pm eastern)	<ul style="list-style-type: none">Parties exchange deposition designations
Thursday, June 22 (11:59 pm eastern)	<ul style="list-style-type: none">Debtor serves direct testimony declarations of Wuesthoff, Dickinson, Kim, and Murdica
Friday, June 23 (5 pm eastern)	<ul style="list-style-type: none">Debtor and Ad Hoc Counsel serve direct testimony declarations of Lisman, Watts, and OnderParties exchange counter-designationsParties exchange exhibit lists
Monday, June 26 (5 pm eastern)	<ul style="list-style-type: none">Parties submit combined deposition designations, with any unresolved objections, to courtParties submit exhibit lists, with any unresolved objections, to courtMovants identify any objections to testimony in direct declarationsBetween 5 pm and 11:59 pm eastern, Debtor and Ad Hoc Counsel submit direct testimony declarations with all objections thereto to Court
Tuesday, June 27 – Friday, June 30	<ul style="list-style-type: none">Dismissal Motions HearingNo opening statementsClosing statement times allocated as follows: Debtor and Ad Hoc Counsel (1.75 hours combined); Movants (2.5 hours combined).
Wednesday, July 19	<ul style="list-style-type: none">Parties submit to the court post-trial findings of fact and conclusions of law

10. Nothing herein precludes the Parties from negotiating additional stipulations of fact or evidentiary stipulations to submit in connection with the Dismissal Motions Hearing. The

Parties reserve all rights to seek to admit additional evidence or to enter into additional stipulations in connection with the Dismissal Motions Hearing. Except with respect to the agreements set forth herein, the Parties reserve all objections under the Federal Rules of Evidence.

AGREED AS TO FORM AND SUBSTANCE:

WOLLMUTH MAHER & DEUTSCH LLP

/s/ Paul R. DeFilippo

Paul R. DeFilippo, Esq.
500 Fifth Avenue
New York, New York 10110
Telephone: (212) 382-3300
Facsimile: (212) 382-0050
pdefilippo@wmd-law.com
Attorneys for Debtor

COLE SCHOTZ P.C.

/s/ Michael D. Sirota

Michael D. Sirota (NJ Bar No. 014321986)
Warren A. Usatine (NJ Bar No. 025881995)
Seth Van Aalten (admitted *pro hac vice*)
Justin Alberto (admitted *pro hac vice*)
Court Plaza North, 25 Main Street
Hackensack, NJ 07602-0800
Telephone: (201) 489-3000
msirota@coleschotz.com
wusatine@coleschotz.com
svanaalten@coleschotz.com
jalberto@coleschotz.com
Counsel to Ad Hoc Committee of Supporting Counsel

LOWENSTEIN SANDLER LLP

/s/ Kenneth A. Rosen

Kenneth A. Rosen, Esq.
One Lowenstein Drive
Roseland, New Jersey 07068
Telephone: (973) 597-2500
krosen@lowenstein.com
Co-Counsel to Johnson & Johnson and Johnson & Johnson Holdco (NA) Inc.

GENOVA BURNS, LLC

/s/ Daniel M. Stolz

Daniel M. Stolz, Esq.
Donald W. Clarke, Esq.
110 Allen Road, Suite 304
Basking Ridge, NJ 07920
Telephone: (973) 533-0777
Facsimile: (973) 467-8126
dstolz@genovaburns.com
dclarke@genovaburns.com
Local Counsel to the Official Committee of Tort Claimants

LEVY KONIGSBERG, LLP

/s/ Moshe Maimon

Moshe Maimon (I.D. 042691986)
605 Third Avenue, 33rd FL
New York, NY 10158
Telephone: (212) 605-6200
Facsimile: (212) 605-6290
mmaimon@levylaw.com
*Attorneys for Talc Claimant Paul Crouch,
Individually and as Executor and as Executor Ad
Prosequendum of the Estate of Cynthia Lorraine
Crouch*

**MAUNE RAICHLE HARTLEY
FRENCH & MUDD, LLC**

/s/ Clayton L. Thompson

Clayton L. Thompson, Esq.
150 W. 30th Street, Suite 201
New York, NY 10001
Telephone: (800) 358-5922
cthompson@mrhfm.com
*Counsel for Mesothelioma Victims, Including
Plaintiff Katherine Tollefson*

GIBBONS P.C.

/s/ Robert K. Malone

Robert K. Malone, Esq.
David N. Crapo, Esq.
Kyle P. McEvilly, Esq.
One Gateway Center
Newark, New Jersey 07102
Telephone: (973) 596-4500
rmalone@gibbonslaw.com
dcrapo@gibbonslaw.com
kmcevilly@gibbonslaw.com
*Attorneys for the States of
New Mexico and Mississippi*

**MAUNE RAICHLE HARTLEY
FRENCH & MUDD, LLC**

/s/ Clayton L. Thompson

Clayton L. Thompson, Esq.
150 W. 30th Street, Suite 201
New York, NY 10001
Telephone: (800) 358-5922
cthompson@mrhfm.com
*Counsel for the Ad Hoc Group of
Mesothelioma Claimants*

WOMBLE BOND DICKINSON (US) LLP

/s/ Ericka F. Johnson

Ericka F. Johnson (NJ #032162007)
Lisa Bittle Tancredi (*pro hac vice*)
1313 N. Market Street, Suite 1200
Wilmington, Delaware 19801
Telephone: (302) 252-4320
ericka.johnson@wbd-us.com
lisa.tancredi@wbd-us.com
*Counsel for the Ad Hoc Committee of States
Holding Consumer Protection Claims*

WITHOUT OBJECTION

**ANDREW R. VARA UNITED STATES
TRUSTEE REGIONS 3 & 9**

/s/ Jeffrey M. Sponder

Jeffrey M. Sponder
Lauren Bielskie
United States Department of Justice
Office of the United States Trustee
One Newark Center, Suite 2100
Newark, NJ 07102
*Counsel for the Office of the United States
Trustee*

**PACHULSKI STANG ZIEHL & JONES LLP McMANIMON, SCOTLAND &
BAUMANN, LLC**

/s/ Laura Davis Jones

Laura Davis Jones
Colin R. Robinson
Peter J. Keane
919 N. Market Street, 17th Floor
P.O. Box 8705
Wilmington, DE 19899-8705 (Courier 19801)
Telephone: (302) 652-4100
Facsimile: (302) 652-4400
ljones@pszjlaw.com
crobinson@pszjlaw.com
pkeane@pszjlaw.com
Counsel for Arnold & Itkin LLP

/s/ Sari Placona

Anthony Sodono, III
Sari B. Placona
75 Livingston Avenue, Ste. 201
Roseland, NJ 07068
Telephone: (973) 622-1800
asodono@msbnj.com
splacona@msbnj.com
*Attorneys for Claimants Represented
by Barnes Law Group, LLC*